



**UNITED STATES PATENT AND TRADEMARK OFFICE**

#5  
COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/844,517	04/27/2001	Erich Hoffmann	2427/1G772-US1

**CONFIRMATION NO. 9063**

**FORMALITIES LETTER**



\*OC000000006235318\*

DARBY & DARBY P.C.  
805 Third Avenue  
New York, NY 10022

Date Mailed: 06/27/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$378
  - \$378 for 21 total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1218.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice MUST be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

EXPRESS MAIL CERTIFICATE



8-29-01

0590

O590

#3

Date 8/28/01 Label No. GL903056122-US

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

D. Perez  
Name (Print)

D. Perez  
Signature

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR  
CREDIT ANY EXCESS IN THE FEES DUE WITH THIS  
DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

Customer No.:



07278

PATENT TRADEMARK OFFICE

Docket No.: 2427/1G772-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Erich HOFFMANN

Serial No.: 09/844,517

Adjustment date: 09/04/2001 FEE PAID  
09/20/2001 00000013 09844517  
01 FC:201 355.00 00  
02 FC:203 189.00 00  
03 FC:205 65.00 00

Confirmation No.: 9063

Filed: April 27, 2001

For: DNA TRANSFECTION SYSTEM FOR THE GENERATION OF  
INFECTIOUS INFLUENZA VIRUS

-----  
WITHDRAWING OF CLAIM FOR SMALL ENTITY STATUS

09/04/2001 BABRAHAI 00000014 09844517

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

01 FC:101 710.00 0P  
02 FC:103 130.00 0P  
03 FC:103 378.00 0P

Sir:

On August 27, 2001, Applicant's attorney claimed Small Entity Status on behalf of the inventor(s) and the assignee of record in the above-identified application. Subsequently it was determined that the small entity status may not be

proper, so in an abundance of caution applicant hereby wishes to withdraw said claim for small entity status. Enclosed is a check for \$609, which is the difference in the filing fee between small entity and a large entity.

Respectfully submitted,



Paul F. Fehlner, Ph.D.  
Registration No. 35,135  
Attorney for Applicant(s)

Dated: August 28, 2001

DARBY & DARBY  
805 Third Avenue  
New York, NY 10022  
(212) 527-7700

M:\2427\1G772\SG0453 WPD

Serial No. 09/844,517

Docket No. 2427/1G772-US1